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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,290	11/13/2001	Leon Minassian	2248.001	5346

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LEVISOHN, BERGER & LANGSAM, LLP  
 805 THIRD AVENUE, 19TH FLOOR  
 NEW YORK, NY 10022

EXAMINER
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LAVINDER, JACK W

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/054,290

Applicant(s)

MINASSIAN, LEON

Examiner

Jack W. Lavinder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 5, 7, 9, 12, 18, 23 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7, 9, 12, 18, 23 and 25-33 is/are rejected.
- 7) ☒ Claim(s) 7, 9, 12, 18, 23 and 25-32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

In view of the appeal brief filed on 9/29/04, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 5, 7, 9, 12, 18, 23, 25-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the preamble phrase "for remembering the hour(s) for an event(s)" is indefinite. What is being remember is it an hour for an event or is it hours for an event or is it an hour for multiple events or is it hours for multiple events? Also, the last two lines are indefinite for the same reasons. What is being claimed: a primary

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link or a plurality of links, an associated hour or a plurality or associated hours, an event or a plurality of events?

Also, another problem associated with the above problems is the limitation to “at least one of said primary links and said connecting links being provided with at least one rotatable knob....to indicate to the wearer which primary link(s) for the associated hour(s) of the day corresponds to an event(s) to be remembered.” If there is only one knob associated with only one of either the primary link or connecting link, how can the device indicated a plurality of hours for a plurality of events or a plurality of events?

Regarding claim 23, the preamble phrase “for remembering the hour(s) for an event(s)” is indefinite. What is being remember is it an hour for an event or is it hours for an event or is it an hour for multiple events or is it hours for multiple events? Also, the last two lines are indefinite for the same reasons. What is being claimed: a primary link or a plurality of links, an associated hour or a plurality or associated hours, an event or a plurality of events?

Also in claim 23, the phrase “a visually unique indicator for each primary link for visually indicating the segmented portion or all of the hours of the day, when all of said links are viewed” is indefinite for a variety of reasons. First, what is the segmented portion? This term was never mentioned anywhere else in the body of the claim. Second, “when all of said links are viewed” is indefinite. Aren’t all the links in view by the wearer all of the time? Third, how can the indicator for one primary link indicate all of the hours of the day? Fourth, the claim appears to be claiming either a set of sequential, hour of the day indicators and a visually unique indicator or just a single

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visually unique indicator for each primary link in sequential order. Which is being claimed? Fifth, the phrase "analog watch face design" is indefinite. What is meant by an analog watch face design? From the drawings and specification, it doesn't appear that any of the embodiments disclose an analog watch face design. None of the embodiments disclose a minute, hour or second hand found in an analog watch face design.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hettinger, 2510224 in view of Gregory, 1832458.

Regarding claims 1 and 33, Hettinger discloses a reminder bracelet (6) for remembering the hours for an event, i.e., scheduled appoints (col. 1, line 8), which are assumed to inherently include the time of day. Hettinger discloses a set of primary links and connecting links (8, 9) molded together, wherein the set of primary links includes a visually unique indicator (10), which has the scheduled time and appointment written on the body of the indicator (figure 3), associated with each primary link. Also, it is inherent that each scheduled appointment and time is different from the other. Therefore, each of the indicators are visually unique. Also, Hettinger discloses a knob (12) attached to

the indicator for sliding the indicator from one side of the bracelet to the other to indicate to the wearer that the event has passed.

Hettinger fails to disclose a knob having two or more visually different marker faces wherein the marker faces being turnable by the knob.

Gregory discloses a knob (15) having two visually different marker faces, a curved marker face (15, top of right knob in figure 5) and a flat marker face (15, top of left knob in figure 5). Also, the visual difference can be seen in figure 1. Gregory discloses that by rotating the knob of the indicator (7), the indicator can display two very different visually unique sides (see figure 1).

It would have been obvious to a person having ordinary skill in the art to modify Hettinger's sliding indicator with Gregory's rotating indicator to provide a more visually different indicating means to the user in order to eliminate any confusion as to whether or not the event has occurred.

Regarding claim 5, Hettinger and Gregory both disclose using numbers on the indicators.

#### ***Allowable Subject Matter***

5. Claims 7, 9, 12, 18, 25-32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. Claim 23 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.


***Response to Arguments***

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 571-272-7119. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jack W Lavinder  
Primary Examiner  
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6/2/05